UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

September 21, 2015

Ms. Noel Ardoin
Environmental Administrator
Louisiana Department of
Transportation and Development
1201 Capitol Access Road
Baton Rouge, LA 70802

Mr. Carl Highsmith
Federal Highway Administration
5304 Flanders Drive, Ste. A
Baton Rouge, LA 70808

RE: Houma-Thibodaux to LA 3127 Connection Draft Environmental Impact Statement (DEIS)

Dear Ms. Ardoin and Mr. Highsmith:

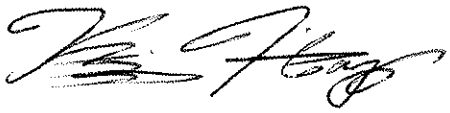
In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office, Dallas, Texas has completed its review of the proposed project by U.S. Federal Highway Administration (FHWA) and Louisiana Department of Transportation and Development (LADOTD).

The DEIS describes and analyzes the potential effects from four build alternatives relating to land use, travel patterns, communities, public facilities and services, economics, Title VI and environmental justice, pedestrian and bicycle facilities, relocations, agricultural and farmland, cultural resources, air quality, noise, hazardous material sites, protected services, vegetation and habitat, invasive species, wild and scenic rivers, endangered and threatened species, essential fish habitat, water quality, groundwater, floodplains, coastal zone, wetlands, mineral resources, energy, aesthetics and visual resources, climate change, permits and mitigation, and project commitments.

EPA has rated the DEIS as EC-2, i.e.; (Environmental Concerns and Request Additional Information). EPA's rating system can be found at http://www.epa.gov/oecaerth/nepa/comments/ratings.html. We have enclosed detailed comments that identify our concerns and recommendations for additional analysis in the Final EIS (FEIS).

EPA appreciates the opportunity to review the DEIS. Please note that a copy of this letter will be published on our website, http://www.epa.gov/compliance/nepa/eisdata.html, in order to fulfill our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the FEIS when it is filed using our *e-NEPA Electronic Filing System* at http://www.epa.gov/compliance/nepa/submiteis/index.html. If you have any questions or concerns, please contact Kimeka Price at (214) 665-7438 or price.kimeka@epa.gov for assistance.

Sincerely,



William Hayden, Acting Chief
Office of Planning and Coordination
Compliance Assurance and
Enforcement Division

Enclosure

DETAILED COMMENTS
ON THE
U.S. FEDERAL HIGHWAY ADMINISTRATION
AND
LOUISIANA DEPARTMENT OF TRANSPORTION AND DEVELOPMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR
HOUMA-THIBODAUX TO LA 3127 CONNECTION
IN
TERREBONNE, LAFOURCHE, ST. JAMES, AND ST. JOHN THE BAPTIST PARISHES
IN LOUISIANA

Background

LADOTD, in cooperation with FHWA, has prepared the DEIS to address the environmental impacts of the proposed construction of approximately 22 to 28 miles of new roadway from U.S. Highway 90 to Louisiana Highway 3127 in Terrebonne, Lafourche, St. James and St. John the Baptist Parishes in Louisiana. EPA now offers the following comments for FHWA's and LADOTD's consideration in preparation of the FEIS:

COMMENTS

Air Quality

4.12.1.1 Study Area Attainment Status – (Page 4-68)

The DEIS correctly states that the project study area (St. James, St. John the Baptist, Lafourche, Assumption, and Terrebonne Parishes) is currently in attainment of all National Ambient Air Quality Standards (NAAQS). These parishes are represented by the South Central Planning & Development Commission (SCPDC), the Metropolitan Planning Organization for the area. The South Central area is vulnerable to being designated as non-attainment for ozone and particulate matter (PM) NAAQS in the next few years. Due to the sensitivity of ozone and PM levels in the area, the SCPDC has applied to EPA and has been accepted for inclusion into the EPA Ozone Advance and PM Advance programs. The Advance programs are a collaborative effort between EPA, states and local governments to enact expeditious emission reductions to help near non-attainment areas remain in attainment of the NAAQS.

Because of the air quality concerns and the potential impact to significant population centers within the DEIS study area, EPA recommends reduction of the potential short-term air quality impacts associated with construction activities. The agencies responsible for the project should also include a Construction Emissions Mitigation Plan (or similar document) and should adopt this plan into the Record of Decision (ROD). In addition to all applicable local, state, or federal requirements, the EPA recommends that the following mitigation measures be included in the Construction Emissions

Mitigation Plan to reduce impacts associated with emissions of nitric oxides (NOx), carbon monoxide (CO), PM, sulfur dioxide (SO_2), and other pollutants from construction-related activities. This includes:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

Wetlands

EPA remains concerned that the Least Environmentally Damaging Practicable Alternative as required under Section 404 of the Clean Water Act has not been identified. This is necessary to adequately inform decision makers, agencies and the public before authorization for construction.

However, EPA is pleased that elevated roadways, including bridge structures, over waters of the U. S., including the wetlands, is planned and included in the project description. The lead agencies should make it clear whether the proposed "build" alternatives will utilize the end-on construction method for elevated and bridge areas. This construction method will avoid adverse impacts to the many wetlands that could be impacted with the proposed project.

The determination of wetland acreages noted in this DEIS is based largely on general information. The estimated wetland impact by alternative ranges from 203 to 301 acres. An approved jurisdictional determination by the U.S. Army Corps of Engineers should be provided for the public's information and a functional analysis of the wetlands also should be carried out and presented.

A functional analysis of the wetlands is not included in the DEIS. This information is needed to develop impacts and determine mitigation needed to off-set environmental impacts. A functional analysis should be included in the FEIS regarding investigation of functions for flood flow attenuation, sediment stabilization, sediment toxicant retention, nutrient removal and transformation, production export, wildlife diversity and abundance, and ground water recharge and discharge. Additionally, the loss of carbon sequestration and carbon storage function of the degraded and impacted wetlands vegetation, including but not limited to the forested wetlands, is of special concern as it relates to cumulative exhaust emissions.

Noise

Section 4.13 of the DEIS lists 16 to 26 affected properties to be impacted by noise along the proposed alternatives. In Table 4.36, the DEIS identifies predicted noise contours reaching or exceeding 66 decibels. As such, the DEIS discusses that high noise levels would be mitigated by design at these locations. However, the DEIS does not identify specific noise mitigation measures.

Recommendation:

The FEIS should incorporate a clear commitment and specific mitigation measure(s) to be implemented by the LADOTD and FHWA to address noise impacts from the proposed project.

In Section 4.13 (Noise), the DEIS compares noise levels in relationship to current conditions (2010 year) to no-build condition (2032 year) and no-build condition (2032 year) to specific alternative (2032 year) in Tables 4.35, 4.37 and 4.38. However, changes in noise levels from current conditions

(2010) to specific alternative (2032 year) is not directly analyzed. Further, the DEIS does not address whether the current conditions (2010 year) remains unchanged as of the current 2015 calendar year.

Recommendation:

The FEIS should incorporate a discussion of the changes is noise levels between current conditions and the specific build alternatives in 2032. Also, the FEIS should include a discussion regarding if the current conditions have change or remained the same from 2010 baseline information.

Mitigation of Adverse Effects

In Section 4.30 (Project Commitments), the DEIS identifies a list, including but not limited to eleven (11) commitments, that would be implemented to offset any adverse effects of the preferred build alternatives. However, there is no clear commitment in the DEIS by FHWA and LADOTD to implement mitigation measures.

Recommendation:

The FEIS should incorporate a clear commitment by the LADOTD and FHWA to implement mitigation measures selected to reduce or avoid any adverse impacts from proposed project.

Climate Change

In Section 4.29 (Climate Change), the DEIS mentions Council on Environmental Quality's (CEQ) guidance entitled "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions (GHG)". It is unclear in the DEIS how the guidance was applied to the proposed project. Because such emission contribute to climate change impacts in the U.S., it is appropriate to consider and disclose them in the EIS due to their reasonably close causal relationship to the project.

Additionally, we recommend that the EIS describe measures to reduce GHG emissions associated with the project, including practicable mitigation opportunities and disclose the estimated GHG reductions associated with such measures. EPA further recommends that FHWA and LADOTD commit to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.

Environmental Justice and Surrounding Communities

In Section 5.5 (How Was the Public Involved in the Proposed Project), the DEIS identifies public meetings were held on July 13, 2004, November 18, 2004, November 5-6, 2007, November 27,

2007, and March 9, 2010. It appears that the majority of the outreach was conducted more than five (5) years ago. The FEIS should describe in detail your activities to the impacted communities since 2010, including published notifications, meetings, etc.

Additionally, in Section 4.9 (Relocations), Table 4.24 Potential Relocations identifies approximately 24 to 39 potential relocations of residents depending on the alternative. The FEIS should expand the discussion on displaced neighborhoods and homes. Specifically, the FEIS should state the number of homes impacted and the number of homes that are owned by minority groups.

Consultation and Coordination with Indian Tribes

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249; November 6, 2000), requires regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. Although the DEIS mentions Government to Government consultation, it does not clearly state which Tribal offices FHWA and LADOTD communicated with and their responses. Also, the DEIS does not describe how tribal artifacts will be handled, if found.

Recommendation:

The FEIS should include the complete descriptions of consultation and coordination activities and how tribal artifacts will be handled, if found. These documents would demonstrate fulfillment of Tribal consultation duties by the lead agencies and Tribal government engagement.

National Historic Preservation Act Section 106 Consultation

In Section 4.11 (Cultural Resources), the DEIS identifies twenty-one (21) archaeological sites are recorded in the proposed project's buffer area, six (6) National Register of Historic Places properties within the study area, and recording of 134 buildings greater than 50 years of age. Further, the DEIS states that an assessment of impacts to historic resources cannot be determined until survey of the Preferred Alternative is undertaken.

Recommendation:

The FEIS should incorporate any impacts to historic resources and concurrence from Louisiana Divisions of Archaeology and Historic Preservation Office, Advisory Council on Historic Preservation, and Tribal Historic Preservation Officer on the conclusions reached concerning historic, cultural, or archeological resources. FHWA and LADOTD should continue consultations during all appropriate phases.